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GUIDELINES

FOR

CONGRESSIONAL LIAISON

INDEX

I. GENERAL PRINCIPLES GOVERNING RELATIONS WITH CONGRESS

II. PROCEDURES GOVERNING THE COMMUNICATION OF INFORMATION TO CONGRESS

A. Congressional Requests for Documents

1. Processing Document Requests
2. Release of Document
3. Form of Release
4. Final Review and Transmittal of Documents

B. Congressional Requests for Non-Documentary Information

1. Processing of Written Requests
2. Receipt and Processing of Oral Requests
3. Handling of ICS Responses
4. Handling of Agency Responses

C. DCI-ICS-CIA Initiated Contacts With Congress

III. PROCEDURES GOVERNING CONGRESSIONAL ACCESS TO FACILITIES

A. Oversight Committee Visits

1. Headquarters
2. Other Domestic Facilities
3. Overseas Travel

B. Non-Oversight Committee Visits

It is the objective of the Director of Central Intelligence to provide substantive intelligence support to congressional consumers on matters within their jurisdiction and to provide the regular intelligence oversight Committees of Congress with information required for their legitimate legislative oversight and appropriations functions, consistent with his duty to protect intelligence sources and methods, his obligation to third agency interests, and his responsibility to the President as his personal adviser on foreign intelligence matters.

The Office of Legislative Counsel shall support the Director of Central Intelligence, the Deputy Director of Central Intelligence, and the Deputy to the Director of Central Intelligence for the Intelligence Community in their official business with the Congress. This requires that the office perform two functions:

First, the Office of Legislative Counsel shall serve as the conduit for communications between the Congress and DCI components:

- incoming congressional requests shall be channeled into the Office;
- the Office shall refer requests to appropriate components for action;
- outgoing responses shall be directed through the Office.

Second, the Office shall serve as the central Agency coordination and review unit for information flowing to the Congress.

- the Office shall coordinate the preparation of responses among all interested Agency components;
- the Office will review outgoing Agency responses to assure policy consistency and responsiveness.

A review and coordination staff will be established within the Office of Legislative Counsel to perform these functions.

The Office of Legislative Counsel shall work with the Special Assistant to the D/DCI/IC and the Ad Hoc Coordinating Group in supporting the Director and the D/DCI/IC in connection with their Intelligence Community responsibilities.

So that the Office of Legislative Counsel may effectively perform these functions, the following general principles shall govern all contacts between the Congress and components under the direct authority of the Director of Central Intelligence.

1. Information pertaining to operational matters (as opposed to substantive intelligence) shall be provided only to regularly constituted congressional oversight committees, namely, the Appropriations Committees, the Senate Select Committee on Intelligence, and the House and Senate Armed Services Committees. Additionally, the Senate Foreign Relations Committee and the House International Relations Committee are entitled to receive covert action reports under section 662 of the Foreign Assistance Act.

2. All information being prepared for transmittal to Congress which is in written form or will ultimately be transcribed (e.g. documents, letters, testimony, briefings with transcript, etc.) shall be prepared in coordination with the Office of Legislative Counsel and shall be reviewed by that Office before transmission to Congress.

3. The Office of Legislative Counsel shall be the main point of contact with the Congress. All congressional elements shall be encouraged to direct their contacts to the Office. In particular cases where an authorized individual determines that direct dealings with a congressional element is necessary, these may be undertaken. However, persons authorized to have such direct contact with Congress on official business are limited to the following individuals:

- the Director of Central Intelligence;
- the Deputy Director of Central Intelligence;
- the Deputy to the Director of Central Intelligence for the Intelligence Community;
- the Comptroller;
- the General Counsel;
- the Office of Legislative Counsel;
- persons specifically designated by these individuals to make such contacts.

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These authorized officers are obliged to keep the Office of Legislative Counsel promptly and thoroughly informed of their contacts. No other persons are authorized to enter into direct communications with congressional elements, formal or written, on matters pertaining to official business; and all out-of-channel congressional contacts should be referred promptly to the Office of Legislative Counsel for handling. *

4. The Office of Legislative Counsel may establish special arrangements (in lieu of the procedures set forth below) to deal with a continuing course of congressional contact which is particularly amenable to special treatment. However, these arrangements must be conducted under the Office's auspices and control.

5. With the exception of commitments made by the Director and the two Deputy Directors, no commitment to provide information shall be made by any component except the Office of Legislative Counsel.

The following procedures are designed to control the flow of information to the Congress and shall govern all contacts between the Congress and components under the direct authority of the Director of Central Intelligence. They shall apply to all congressional committees and Members, starting with the 95th Congress. In general, oversight committees will be treated equally under these guidelines, as will non-oversight committees.

*The following exceptions to this rule are recognized: (a) employees seeking redress by contacting their Representative; (b) employees contacting regular oversight committees concerning violations of law after pursuing internal review procedures; and (c) regular DDI/CRS contacts with the Library of Congress.

II. PROCEDURES GOVERNING THE COMMUNICATION OF
INFORMATION TO CONGRESS

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The following procedures are designed to control the flow of information to Congress and shall govern all contacts between Congress and components under the direct authority of the Director of Central Intelligence.

A. Congressional Requests for Documents

1. Processing Document Requests

Agency and IC Staff documents will be made available to Congress only upon written requests and through the Office of Legislative Counsel. Congressional requests will be submitted to the Office, and the Office will receive such requests and disseminate each for review and "release recommendation" to appropriate components. Such requests will be disseminated for action on Form A.

2. Release of Documents

All documentary material will be reviewed before a congressional requestor is granted access to it. The components to which document requests have been disseminated for review and "release recommendation" shall be responsible for:

- (a) recommending what documentary material may be released to Congress;
- (b) recommending the form appropriate for the release of such documentary material; and
- (c) preparing the relevant documentary material for release to Congress in conformity with such recommendations.

Reviewing components shall make these determinations in accordance with the following guidelines.

(i) A recommendation against release shall be made if (a) the document is a Presidential document, a National Security Council document, or a policy sensitive document closely related to internal Executive branch policy formulation; (b) the document pertains to operational matters and the request is not from a regular oversight committee; (c) the document is so replete with information which must be deleted pursuant to the sanitization guidelines set forth in Annex B that the sense of the document would be destroyed or substantially distorted by such deletions; and (d) the Third Agency rule applies.

(ii) A recommendation for release will be made by the reviewing component if the following steps have been taken and evidence that such steps have been taken is entered upon Form A. First, the reviewing component will identify that information contained in the documentary material which relates to sensitive intelligence sources and methods or other information subject to deletion under the sanitization guidelines set forth in Annex B. Second, if deletion or paraphrase of such information can be accomplished without harm to the sense of the document and the necessary changes are within the competence of the reviewing component, it shall make the necessary changes in accord with the sanitization guidelines set forth in Annex B. Third, the reviewing component will indicate on Form A the form in which it recommends the documentary material be released, that is, whether the requested documents should be "fully released," provided "on loan" to the Congress, or released only "for reading." The reasons for the recommendation will be entered on Form A.

3. Form of Release

Documents may be released to the Congress in three forms, depending on their relative sensitivity. They may be "fully released" to the possession of Congress; provided "on loan," to be returned to the releasing component when the Congress has finished with it; or released only "for reading" within CIA or ICS premises as arranged by the Office of Legislative Counsel.

The reviewing component shall balance all relevant factors in determining whether a document should be fully released, loaned or made available for reading on premises. The primary factor to be considered is the relative sensitivity of the document, including the extent to which the document reveals classified

information, sources and methods information or policy sensitive matter. Approved For Release 2005/01/06 : CIA-RDP81M00980R001700010055-3 which the requesting congressional unit must control the document to meet its responsibilities; the security resources of the requesting unit, including its ability under resolution or rule to restrict access to the document; and the security record of the requesting unit.

When a regular oversight Committee requests a document, the reviewing component may recommend full release, loan, or release for reading. However, with respect to all other congressional requesters, recommendations for full release shall only be made for unclassified documents.

4. Final Review and Transmittal of Documents

If a document is recommended for full release or loan to the Congress, two copies shall be forwarded to the Office of Legislative Counsel. In the case of bulky documents, only one copy need be forwarded along with indication as to where a reference copy is available in the files. The Office of Legislative Counsel shall review the documents to ensure that these guidelines have been followed. The Office shall forward the documents to the requesting congressional unit with a written statement describing the basis on which the document is being furnished and explaining generally any deletions or paraphrasing which have been made. The Office shall likewise review any documents recommended for reading on premises and shall arrange for such congressional access.

If a component recommends against release of a document, the Office of Legislative Counsel shall be responsible for explaining to the requester why a document cannot be released and, if appropriate, suggesting alternative means by which the requester's needs may be satisfied.

The Office shall also be responsible for maintaining full records with respect to document requests, including the original request, the action taken on Form A and the texts of documents provided.

If any judgmental differences arise between the Office and an Agency component in the course of the Office's final review, they will be raised with the Deputy Director of Central Intelligence or the Director for resolution.

1. Processing of Written Requests

All written congressional communications which call for a DCI, ICS or CIA response (other than the provision of documents) shall be referred to the Office of Legislative Counsel. An information copy will be simultaneously sent to ICS. The Office of Legislative Counsel shall disseminate these congressional requests to the appropriate component(s) for action.

2. Receipt and Processing of Oral Requests

Congressionally initiated oral communications pertaining to official business (e.g. telephone calls, office visits) may be accepted and acted upon only by the following individuals:

- the Director of Central Intelligence;
- the Deputy Director of Central Intelligence;
- the Deputy to the Director of Central Intelligence for the Intelligence Community;
- the Comptroller;
- the General Counsel;
- the Office of Legislative Counsel; and
- personal representatives of these individuals specifically designated by them to have such contacts.

No other persons are authorized to receive, accept or engage in direct oral communications with congressional elements on matters pertaining to official business. Congressional personnel attempting to make out-of-channel contacts should be referred promptly to the Office of Legislative Counsel.

Those persons authorized to have direct contact with Congress (listed above) shall promptly prepare a written summary of the contact and forward it to the Office of Legislative Counsel. If the contact involved an oral request requiring a DCI, ICS or CIA response or follow-up, the person shall also fill out Form B and forward it promptly to the Office. Information copies of Form B will be sent to ICS. If a response is called for, the Office of Legislative Counsel shall disseminate these requests to the appropriate component(s) for action.

3. Handling of ICS Responses

Responses to oral or written congressional communications which have been referred to ICS for action shall be handled as follows:

Where an oral or written congressional communication elicits an ICS response in writing, the response shall be forwarded through the Office of Legislative Counsel for review and transmittal to Congress.

Where an oral or written congressional communication elicits an ICS response which will ultimately be transcribed (e.g. testimony, briefings on-the-record, interviews on-the-record), the response should be prepared in coordination with the Office of Legislative Counsel. A representative from the Office of Legislative Counsel should be present at the presentation of the response, unless other arrangements are made. Copies of transcripts shall be deposited in the Office of Legislative Counsel.

Where an oral or written congressional communication elicits an off-the-record oral ICS response (e.g. office visit, off-the-record briefing, telephone call), ICS should promptly prepare a written summary of the contact and forward it to the Office of Legislative Counsel.

In general, the kinds of information which would not be available to Congress in documentary material under section II. A. of these procedures or which would be deleted from documents under that section should not be provided to Congress through other written or oral responses.

4. Handling of Agency Responses

Responses to oral or written congressional communications which have been referred to CIA component for action shall be handled as follows:

Where there appears to be some discretion as to the form which a particular response may take, the Office of Legislative Counsel shall determine in consultation with the action component the most appropriate form of response.

Where a response is to be in writing, the action component shall prepare it in coordination with the Office of Legislative Counsel. The Office shall review it for policy consistency and responsiveness before forwarding it to Congress.

Where a response is to be in a form which will ultimately be transcribed (e.g. testimony, briefings on-the-record, interviews on-the-record), the action component shall prepare the response in coordination with the Office of Legislative Counsel. The action component shall advise the Office whether special security procedures should accompany presentation of the response. The Office of Legislative Counsel shall make all arrangements for formal briefings, testimony and interviews. A representative from the Office of Legislative Counsel shall be present at all formal briefings, testimony and interviews. No documents should be released in the course of a briefing, interviews or testimony. No specific document should be referred to in the course of such presentations unless the spokesman has reasonable confidence that the contents of such document are releaseable in some form to Congress. Transcripts of these presentations shall be maintained in the Office of Legislative Counsel.

Off-the-record oral Agency responses to congressional requests (office visits, telephone calls) may be made only by persons authorized to engage in direct oral communications with the Congress. Such persons should inform the Office of Legislative Counsel in advance of making these contacts if possible. In all cases, written summaries of these contacts shall be prepared and forwarded to the Office of Legislative Counsel.

In general, the kinds of information which would not be available to Congress in documentary material under section II. A. of these procedures or which would be deleted from documents under that section should not be provided to Congress through other written or oral responses.

Only the following persons are authorized to initiate contact with any element of Congress on matters pertaining to official business:

- the Director of Central Intelligence;
- the Deputy Director of Central Intelligence;
- the Deputy Director of Central Intelligence for the Intelligence Community;
- the Comptroller;
- the General Counsel;
- the Office of Legislative Counsel;
- persons specifically designated by these individuals to initiate such contacts.

No other person is authorized to initiate or enter into direct communication with an element of Congress, formal or informal, written or oral, on matters pertaining to official business. These authorized officers are obliged to keep the Office of Legislative Counsel promptly and thoroughly informed on their contacts.

Employees may contact a regular oversight committee concerning violations of charter after they have pursued all internal review procedures within the Executive branch as set forth in applicable regulations. Employees must notify the Office of Legislative Counsel before contacting an oversight committee on such matters.

Employees are, of course, free to communicate with their Representatives in the Congress. However, where an employee intends to discuss matters pertaining to official Agency business, the employee must notify the Office of Legislative Counsel prior to contacting the Representative. This procedure is deemed essential to protect intelligence sources and methods and other classified matters from unauthorized disclosure.

III. PROCEDURES GOVERNING CONGRESSIONAL ACCESS
TO FACILITIES

A. Oversight Committee Visits

1. Headquarters

Members of the regular oversight Committees are welcome to visit Headquarters buildings, and the Office of Legislative Counsel shall make arrangements for such visits. Oversight Committee staffers may visit Headquarters buildings when they have been invited by an authorized person or when they have specific business to transact.

The Committee shall notify the Office of Legislative Counsel in advance of visits to Headquarters by Committee staffers and shall advise the Office of the subject matter of the visit. Badges for Committee staff are the property of the Director and shall be controlled by the Office of Legislative Counsel. Committee staff shall sign in at Headquarters to receive their badges. At that time they shall advise the Office of Legislative Counsel of their agenda for the day. No escort shall be required; however, the Office of Legislative Counsel may provide an escort at its discretion.

2. Other Domestic Facilities

All oversight Committee requests for member or staff visits to Agency facilities other than Headquarters buildings require the approval of the Director or the Deputy Director. The Office of Legislative Counsel shall make the necessary arrangements for such visits with due regard for cover and security considerations and in coordination with the Agency component concerned.

3. Overseas Travel

Matters pertaining to overseas travel of oversight Committee members and staff shall be handled in accordance with the guidelines set forth in Annex D.

B. Non-Oversight Committee Visits

Only persons authorized to have direct contact with the Congress may extend invitations to non-oversight Committee members and staff to visit Headquarters and other Agency facilities. All non-oversight Committee requests for visits to Headquarters or other Agency facilities require the approval of the Director or the Deputy Director. The Office of Legislative Counsel shall make necessary arrangements for such visits with due regard for cover and security procedures and in coordination with the Agency component concerned. Matters pertaining to overseas travel of non-oversight members and staff shall be handled in accordance with the guidelines set forth in Annex D.